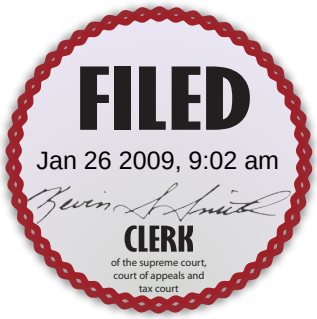

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IN THE
COURT OF APPEALS OF INDIANA

BRITTANY GLASCO,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A04-0806-CR-365
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Rebekah Pierson-Treacy, Judge
Cause No. 49F19-0801-CM-4324

January 26, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Brittany Glasco appeals her conviction for Class A misdemeanor criminal mischief. We affirm.

Issue

Glasco presents one issue for our review: whether the State presented sufficient evidence to sustain her conviction.

Facts

The facts most favorable to the conviction indicate that during the evening of December 12, 2007, Glasco telephoned Tierra Polk three times and the two argued. Glasco requested entry into Polk's gated apartment community and Polk refused. Glasco eventually gained entry to the apartment complex parking lot and she jumped from a car as it stopped in front of Polk's apartment. She swung a baseball bat at the windshield of Polk's car and kept swinging at the car. Polk watched the incident unfold from her patio window.

Sergeant James Blyth of the City of Lawrence Police Department was called to the scene and observed a broken windshield, passenger window, and mirror of Polk's black Chrysler Sebring. Polk later told Detective James Vaughn that she observed Glasco damage the vehicle.

On January 18, 2008, the State charged Glasco with one count of criminal mischief as a Class A misdemeanor. She was convicted following a bench trial and sentenced to 369 days suspended. This appeal followed.

Analysis

Glasco contends that the State presented insufficient evidence to sustain her conviction for Class A criminal mischief. When reviewing the sufficiency of the evidence supporting a conviction, we will not reweigh the evidence or judge the credibility of witnesses. Staton v. State, 853 N.E.2d 470, 474 (Ind. 2006). We must look to the evidence most favorable to the conviction together with all reasonable inferences to be drawn from that evidence. Id. We will affirm a conviction if there is substantial evidence of probative value supporting each element of the crime from which a reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. Id.

We first address Glasco's contention that Polk's testimony was unbelievable. Glasco implies that Polk's testimony should be treated as incredibly dubious. "A court will impinge upon the jury's responsibility to judge the credibility of witnesses only when confronted with inherently improbable testimony or coerced, equivocal, wholly uncorroborated testimony of incredible dubiosity." Murray v. State, 761 N.E.2d 406, 408 (Ind. 2002). A conviction will be overturned only if a witness's testimony is so incredibly dubious or inherently improbable that it runs counter to human experience, and no reasonable person could believe it. Kien v. State, 782 N.E.2d 398, 407 (Ind. Ct. App. 2003), trans. denied.

Glasco relies on the discrepancy between Polk's investigation statement and her trial testimony in contending that Polk is not believable. On December 12, 2007, Polk told the responding officer, Sergeant Blythe, that she did not know who damaged her

vehicle, but then later told an investigating officer that she saw Glasco do it. Polk testified that she saw Glasco damage her car that night. The issue of the inconsistent statement during the investigation was before the trier of fact and it still found Polk credible. "The fact that a witness gives trial testimony that contradicts earlier pre-trial statements does not necessarily render the trial testimony incredibly dubious." Murray, 761 N.E.2d at 409. The trial court observed all testimony and rejected the defense's theory that Polk was lying because of an ongoing family feud. The additional evidence showed that the women were having an ongoing feud, that Glasco was off work when the incident happened, and that Sergeant Blythe saw the damage to Polk's car that night. We conclude that Polk's testimony was not incredibly dubious.

We find that sufficient evidence existed to support Glasco's conviction. A person who "recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent" commits criminal mischief. Ind. Code § 35-43-1-2. The offense is a Class A misdemeanor if the damage is between $250 and $2,500. Id.

Polk's testimony implicated Glasco as the person who swung the baseball bat at the car on December 12, 2007. Sergeant Blythe observed the broken windshield, passenger window, and mirror on Polk's car that night. Evidence admitted at trial indicated the cost of repairing the damage to the car to be about $360. Glasco denied these actions and maintains the story was made up by Polk as part of an ongoing family feud. Glasco merely requests we reweigh this evidence and judge the credibility of the witnesses on appeal, which we will not do. See Staton, 853 N.E.2d at 474. Sufficient

evidence existed for the trier of fact to conclude that Glasco damaged Polk's car, resulting in a pecuniary loss of $360.

Conclusion

The State presented sufficient evidence to support Glasco's conviction for Class A misdemeanor criminal mischief. We affirm.

Affirmed.

BAILEY, J., and MATHIAS, J., concur.